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N°: ICC-01/11-01/25
Date: 30 September 2026

TRIAL CHAMBER VII

Before: Judge Althea Violet Alexis-Windsor, Presiding Judge
Judge Miatta Maria Samba
Judge Beti Hohler

SITUATION IN LIBYA

*IN THE CASE OF
THE PROSECUTOR V. KHALED MOHAMED ALI EL HISHRI*

PUBLIC

Registry's Submissions on the Directions on the Conduct of Proceedings

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. Pursuant to Trial Chamber VII (“Chamber”)’s “Order inviting submissions on Directions on the Conduct of Proceedings” (“Order”),¹ the Registry hereby provides its observations on the content of the Directions on the Conduct of Proceedings.

II. PROCEDURAL HISTORY

2. On 14 September 2026, the Chamber issued its “Decision Setting the Commencement Date of the Trial”, in which it decided that the trial shall commence on 4 May 2027.²
3. On 17 September 2026, the Chamber issued its Order, inviting the parties, the Office of Public Counsel for Victims and the Registry to provide any submissions they may have on the content of the Directions on the Conduct of Proceedings, by 30 September 2026.³

III. SUBMISSIONS

Interpretation and Court Reporting matters

4. The Registry respectfully submits that, in order to facilitate accurate interpretation and real-time transcription during hearings, the Chamber may wish to direct the parties and participants to provide, through the Registry, any speaking notes, outlines, presentation materials, glossaries, and other relevant

¹ Trial Chamber VII, Order inviting submissions on Directions on the Conduct of Proceedings, ICC-01/11-01/25-185, 17 September 2026.

² Trial Chamber VII, Decision Setting the Commencement Date of the Trial, ICC-01/11-01/25-183, 14 September 2026.

³ Trial Chamber VII, Order inviting submissions on Directions on the Conduct of Proceedings, ICC-01/11-01/25-185, 17 September 2026.

documents intended for use during hearings at least twenty-four (24) hours in advance. Advance access to such materials would enable interpreters and court reporters to prepare adequately for oral submissions, thereby supporting the accuracy and quality of simultaneous interpretation and real time transcription. It would also help minimize avoidable interpretation-related errors, reduce the need for time-consuming transcript corrections, and contribute to the fair and efficient conduct of the proceedings.

Public Redacted Versions of Transcripts:

5. The Registry respectfully suggests that, with respect to the preparation and notification of public redacted versions of transcripts, the Chamber consider adopting the procedure set out by Trial Chamber III in the case of the *Prosecutor v. Rodrigo Roa Duterte* (“Directions”).⁴ This procedure reflects recent practice at the Court and is consistent with the approach previously adopted by Trial Chamber VI in the case of the *Prosecutor v. Mahamat Said Abdel Kani* for the preparation and notification of public redacted versions of transcripts.⁵
6. To streamline the process, the Registry respectfully submits that the 21-day review period and 10-day objection period take place between the parties and participants, without the Registry’s involvement. The Registry would receive only the final agreed version or, where the Chamber has ruled on any disagreement, the version reflecting the Chamber’s determination, for publication.
7. Should the Chamber endorse the possibility of proposing discrete *post facto* redactions during the transcripts review process for the preparation of public

⁴ Trial Chamber III, “*Directions on the conduct of proceedings*”, ICC-01/21-01/25-471, 19 June 2026, para 77 - 78.

⁵ Trial Chamber VI, “*Decision on Disagreements Regarding Lesser Redacted Versions of Public Transcripts*”, ICC-01/14-01/21-683, 31 January 2024, para 13 – 20.

redacted versions,⁶ the Registry respectfully submits that such redactions be transmitted using a *post facto* redaction form.

8. In the event of agreement, the Registry would receive, from the calling party, only the final agreed redactions clearly identified on the form. Where there is a disagreement that requiring the Chamber's determination, the calling party would transmit, using the form, only the redactions reflecting the Chamber's determination.
9. The Registry submits that the use of the form would facilitate the identification and tracking of *post facto* redactions that would subsequently need to be applied to the corresponding audiovisual recordings.
10. Subject to the Chamber adoption of the aforementioned proposals, the form will be circulated by email upon issuance of the Directions on the Conduct of Proceedings.

Corrections to transcripts

11. The Registry respectfully suggests that the Chamber adopt the transcript verification process implemented in the case of the *Prosecutor v. Mahamat Said Abdel Kani*, as set out in ICC-01/14-01/21-757-Anx27.
12. The Registry submits that this process has consistently demonstrated its effectiveness in practice and has facilitated the timely correction of transcripts.⁷
13. Should the Chamber endorse this procedure, the Registry stands ready to inform the parties and participants of the relevant procedure for preparing

⁶ Trial Chamber III, "*Directions on the conduct of proceedings*", ICC-01/21-01/25-471, 19 June 2026, para 77 (ii).

⁷ Registry, "Annex 27 to the Eighth Registry's Quarterly Report on Email Decisions for the months of January to March 2024", ICC-01/14-01/21-757-Anx27, 08 May 2024.

requests for transcript verification and to apply any resulting corrections in accordance with its transcript verification methods.

14. Upon completion of the transcript-verification process, the Registry will identify in its notification the Corrected Transcript to be used for the preparation of any public or lesser-redacted version. This will also account for situations where the English and French transcripts are subject to different corrections, including where one transcript requires correction and the other does not.

In-court redactions

15. The Registry submits that the Chamber consider adopting the procedure set out by Trial Chamber III in the *Duterte* case.⁸
16. In the event of e-mail communications disruptions, the Registry suggests that the following procedure be followed:
 - a) The requester shall indicate the page and line number/time stamp on a paper;
 - b) The requester will discreetly gesture to the Court Clerk that a redaction is needed and deliver the request to them;
 - c) The Court Officer will liaise with the Chamber for approval of the request;
 - d) The redaction shall be implemented or rejected.

Judicial Workflow Platform – Witness Entity Module

17. The Registry notes that the parties propose the adoption of the E-court Protocol adopted in the *Duterte* case,⁹ while the Common Legal Representatives of

⁸ Trial Chamber III, “*Directions on the conduct of proceedings*”, ICC-01/21-01/25-471, 19 June 2026, para 79 - 82.

⁹ Joint Prosecution and Defence submissions pursuant to the “Order scheduling first status conference”, ICC-01/11-01/25-169, 25 August 2026, para 25.

Victims have no observations regarding the Protocol adopted in the *El Hishri* case at the Pre-Trial stage.¹⁰ The Registry further notes that the two protocols differ in that the *Duterte* Protocol provides for the use of the Judicial Workflow Platform (“JWP”) Witness Module.

18. The Registry recommends aligning the E-court Protocol with the most recent version adopted by the Court, namely the *Duterte* E-court Protocol,¹¹ in order to ensure consistency in practice. The Registry stands ready to assist the parties and participants and to provide a presentation on the Witness Entity Module.

Hearing blocks:

19. The Registry respectfully submits that the current monitoring regime applicable to the accused should be taken into consideration when setting the hearing schedule.
20. With regard to Mr El Hishri’s non-privileged visits and telephone calls with his authorised contacts, in accordance with the restrictions currently in place,¹² the Registry has been able to accommodate, on a weekly basis, a minimum of five hours of such calls and visits, across at least three weekly sessions. With its current staff resources, the Language Services Section (“LSS”)’s capacity for active monitoring is limited and cannot realistically be increased beyond its current level without adversely affecting the provision of Arabic language services across the Registry.

¹⁰ Submissions on behalf of Victims on the matters identified in the “ Order Scheduling the First Status Conference” (No. ICC - 01/11 - 01/25 - 157), ICC-01/11-01/25-170, 25 August 2025, Para 28

¹¹ See Trial Chamber III, “Decision on the Prosecution’s and the Defence’s requests to amend the E-Court Protocol”, ICC-01/21-01/25-508, 28 September 2026.

¹² see Pre-Trial Chamber I, “Decision provisionally extending the measures under regulation 101(2) of the Regulations of the Court and granting additional measures”, 16 July 2026, ICC-01/11-01/25-144

21. Should the Chamber schedule hearings for full weeks while maintaining the current monitoring regime, the Registry informs the Chamber that Mr El Hishri would be unable to receive non-privileged monitored telephone calls on hearing days, as monitoring cannot be conducted outside working hours or during weekends.
22. With regard to monitored non-privileged visits, and in order to mitigate these operational constraints, such visits would need to be organised during a week-long break in the hearing schedule.
23. The Registry respectfully invites the Chamber, when determining the hearing schedule, to take into account the anticipated sitting schedule in the *Duterte* case. At present, Trial Chamber III intends to sit continuously rather than in hearing blocks.¹³ In the *Duterte* case, the Registry has recommended three one-hour sessions per hearing day, with the first session commencing at 11:00.¹⁴ Adjustments may be required where witnesses appear by video link, depending on the applicable time difference.¹⁵
24. The Registry submits that it can support this arrangement until the commencement of the trial in the *El Hishri* case. Thereafter, the Registry's available hearing-support resources would need to be shared between the two trials.

¹³ Transcript of 16 September 2026, ICC-01/21-01/25-T-011 CONF ENG ET p. 30 lines 3 - 10. Further submissions on the sitting schedule will be heard at the next status conference, scheduled for 13 October 2026. The trial is currently scheduled to commence on 30 November 2026 and adjourn for the Christmas recess on 16 December 2026, before resuming in January 2027 and continuing until March, with a further recess over Easter.

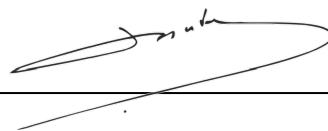
¹⁴ Registry, "Registry observations pursuant to the Chamber's email order of 25 August 2026, "Order regarding the special measures recommended by the Expert Panel"", ICC-01/21-01/25-497-Conf, 7 September 2026 para. 8.

¹⁵ Transcript of 16 September 2026, ICC-01/21-01/25-T-011 CONF ENG ET p. 31 lines 3 - 15.

25. In order to accommodate simultaneous hearings, as well as other operational demands, including visits and telephone-call monitoring requiring LSS support, the Registry recommends that, to the extent possible, the hearing schedule in the *El Hishri* case avoid full overlap with hearings in the *Duterte* case.
26. The Registry respectfully invites the Chamber to consider options such as scheduling hearing blocks, staggering sitting times, scheduling half-day sittings, or making other appropriate adjustments to the hearing schedule. The Registry remains available to consulte with representatives of the Trial Division should this assist the Chamber in determining the hearing schedule.

IV. CONCLUSION

The Registry respectfully submits the foregoing for the Chamber's consideration and stands ready to support the implementation of any directions adopted by the Chamber, as well as to provide any further information, clarification, or assistance that the Chamber may require in this regard.



Marc Dubuisson
Director, Division of Judicial Services
On behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 30 September 2026

At The Hague, The Netherlands